

SZTFH Decree No

.../2023 (...) of the President of the Supervisory Authority of Regulatory Affairs

amending SZTFH Decree No 20/2021 of 29 October 2021 on the implementation of tasks relating to the authorisation, management and control of certain games of chance

On the basis of the authorisation granted in Section 38(2)(a) and (b) of Act XXXIV of 1991 on gambling operations,
with regard to Section 2 and 3 as well as Section 13(b) on the basis of the authorisation granted in Section 38(2)(d) of Act XXXIV of 1991 on gambling operations,
with regard to Sections 4 to 10 and Section 12 on the basis of the authorisation granted in Section 38(2)(g) of Act XXXIV of 1991 on gambling operations,
and acting within the scope of my duties defined in Section 13(i) and (n) of Act XXXII of 2021 on the Supervisory Authority of Regulatory Affairs,
I hereby order the following:

Section 1

A new Section 2/A is added to Chapter I of SZTFH Decree No 20/2021 of 29 October 2021 on the implementation of tasks related to the authorisation, management and control of certain types of gambling (hereinafter referred to as: Implementing Regulation), which shall read as follows:

‘Section 2/A Where the operator is authorised to organise several games of chance at the same time, he shall record and maintain the accounts of the revenue and actual costs of each game of chance in a verifiable manner and separately from each other, independent from any other activity carried out by him.’

Section 2

(1) Section 13(3) of the Implementing Decree is replaced by the following:

‘(3) Lottery tickets can only be produced using a computer-controlled closed technology that ensures

(a) the amount of winnings specified in the Gambling Act,
(b) the even distribution of winning lottery tickets per winning class within the authorised quantity or series according to the game plan, and
(c) that a complete series of lottery tickets is produced in a closed production process that allows the identification of winning lottery tickets only after the virtual or physical cover has been removed.’

(2) The following paragraphs (10) and (11) shall be added to Section 13 of the Implementing Decree:

‘(10) Paragraphs (2) to (4) and paragraph (5)(a) and (b) shall apply mutatis mutandis to scratch cards sold by means of communication devices and systems, with that lotteries are stored and placed on the market by means of communication devices and systems, and the documents

referred to in paragraph (5)(a) shall be submitted to the gaming authority during the authorisation procedure.

(11) From among the provisions of this regulation on the auditing of remote gambling and online casino games, Section 15(2) and (3), Annex 2, Annex 3 clause I and clause II(A) and clause III(c), Annex 4 clause II(1)(f) and (h), and clauses 2(a) to (c) shall apply to scratch cards sold via communication devices and systems.'

Section 3

The following heading 7/A is added to Chapter III of the Implementing Decree:

'Section 7/A Special rules for lottery games sold exclusively through communication devices and systems

Section 13/A For lottery games sold exclusively through communication devices and systems, the provisions of Section 15(2)(a), Annex 2, Annex 3 clause I and clause II(A) and clause III(c), Annex 4 clause II(1)(f) and (h) and clause (2)(a) to (c) shall apply.'

Section 4

A new Section 16/F is added to heading 9/C of the Implementing Decree, which shall read as follows:

'Section 16/F In the event of early payment, when promoting this function, the gambling operator is obliged to expressly draw the player's attention to the fact that the use of this function entails an increased risk of excessive gambling and addiction and this information shall appear in the text of promotion in the same font size as the text. The gambling operator shall also make available to the player on the gambling website the information that the use of that function entails an increased risk of excessive gambling and addiction.'

Section 5

(1) Section 22(1)(c) of the Implementing Decree shall be replaced by the following:

(If the operator discovers after registration that the data content of the register shows irregularities because)

'(c) the same player is registered several times for the same game or the same player balance,'

(the player balance will be suspended immediately.)

(2) Section 22(2) of the Implementing Decree shall be replaced by the following:

'(2) In the case of multiple registrations in accordance with paragraph (1)(c), measures to definitively close, settle and exclude the player's balance from the game shall be applied to the player and the affected player balance in such a way that only one player balance is available for participation in a game.'

(3) Section 22(4) of the Implementing Decree shall be replaced by the following:

‘(4) If the operator becomes aware of the fact that the registration or record is not appropriate for other reasons outside of the scope defined in (1), especially due to delayed reporting of data changes, the organiser shall take measures to address the irregularities. If necessary, the operator shall call the player to contribute to the elimination of the irregularity and may suspend all of the affected player balances until the irregularity is eliminated. If the irregularity cannot be eliminated within 30 days and therefore a game in accordance with the law cannot be ensured, the operator shall take action to close all relevant player balances and disqualify the player.’

Section 6

(1) Section 25(1)-(4) of the Implementing Decree shall be replaced by the following:

‘(1) If the operator is licensed to organise games of chance other than remote gambling, the settlement and recording of bets, winnings and other transactions relating to gambling may be kept for the player on a single or multiple common player balances in relation to all games affected by a given player’s balance.

(2) The organiser may establish the common player balance by using the player’s balance already in place at the organiser or separately from it.

(3) If a common player balance is established by using the existing balance or separately from it, the player’s participation in the remote gambling may take place once the provisions governing remote gambling have been complied with.

(4) The payout margin for common player balances according to Section 29/H(5) of the Gambling Act must be determined in such a way as to ensure payouts in all affected games.’

(2) Section 25(6) and (7) of the Implementing Decree shall be replaced by the following:

‘(6) During the period of suspension of a licence for a game, the operator shall transfer to the common player balance any charges, credits relating to the settlement of gaming transactions in games other than the affected game, which must belong to the common balance, and shall make payments in connection with such gaming transactions. In the context of the game which is affected by suspension of the licence, the operator shall only transfer charges and credits for games preceding the date of suspension and may perform payments only relating to the settlement of gaming transactions prior to the date of suspension.

(7) The suspension or termination of the common player balance by the operator shall be considered as a measure affecting all games. In the event of a ban under the SZTFH Decree on the detailed rules governing the responsible organisation of games, the operator shall specify in the game plan and in the rules of participation whether, in the event of a serious breach of contract, the player’s balance and the possibility of access to the games will cease to exist for all the games concerned.’

Section 7

Section 26(2)-(3) of the Implementing Decree shall be replaced by the following:

‘(2) The operator may, for other reasons specified in the game plan and in the rules of participation, in particular in the event of breach of the rules of participation in the game, suspend the player balance belonging to that game or even each and every player balance of the player.

(3) The operator shall immediately notify the player, by electronic mail, of the fact, date and reason of the suspension of the player balance or balances or of the fact and date of termination of the suspension.’

Section 8

Section 29(3) of the Implementing Decree shall be replaced by the following:

‘(3) In the case of a common player balance, the gift bonus and the special bonus offer may be used by the player as bets for the purposes of gambling in that player balance, provided that the operator accounts for it in the same way as defined in the approved game plans.’

Section 9

Section 32(2) of the Implementing Decree shall be replaced by the following:

‘(2) In the case of multiple common player balances mentioned in Section 25(1), the data indicated in Annex 3 clause I(a)-(d), (i)-(l) and (n) shall be provided in relation to the common player balance concerned.’

Section 10

Section 76(5) of the Implementing Decree shall be replaced by the following:

(For the purposes of this regulation)

‘5. *common player balance*: is a player balance held with an operator (who is authorised to organise multiple types of games of chance) for the purpose of accounting and recording bets, winnings and other gaming transactions relating to the games concerned.’

Section 11

A new Section 79 is added to Chapter XI of the Implementing Decree, which shall read as follows:

‘Section 79 The draft provisions of this regulation established by SZTFH Decree No .../2023 (... ...) amending SZTFH Decree No 20/2021 of 29 October 2021 on the implementation of tasks relating to the authorisation, management and control of certain games of chance, namely Section 2/A, Section 13(3), (10) and (11), heading 7/A, Section 16/F, Section 22(1), Section

22(2) and (4), Section 25(1)-(4), (6) and (7), Section 26(2) and (3), Section 29(3), Section 32(2), Section 76(5) and Annex 2 clause C(1), have been notified in advance in accordance with Articles 5 to 7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.’

Section 12

In the Implementing Decree,

(a) in Section 22(1), the words ‘the player balance’ are replaced by the words ‘all player balances concerned’,

(b) in Annex 2 clause C(1), the words ‘for the common player balance’ are replaced by the words ‘for the common player balance concerned’.

Section 13

The following provisions of the Implementing Decree are repealed:

(a) Section 11(2),

(b) Section 76(1).

Section 14

This Decree comes into force on 2023.

Section 15

The requirement for the prior notification of this draft regulation, as stipulated in Articles 5-7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, has been met.